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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)
SIPA LIQUIDATION
(Substantively Consolidated)

**DECLARATION OF
BERNARD L. MADOFF**

I, BERNARD L. MADOFF, declare pursuant to 28 U.S.C. § 1746, that the following is true based upon personal knowledge:

1. I have been informed that the Trustee, Irving H. Picard, has claimed that my customers received payments that the customers dispute they received.

2. In the investment advisory business, stock brokers do not send checks to customers unless they specifically request a withdrawal. In fact, I cannot recall a single instance in my career where I sent a check to a customer

that did not request it. Sometimes the requests would be for a quarterly payment of a fixed amount, like \$25,000. Sometimes, I would receive a request for a large withdrawal, such as \$250,000. But I cannot ever recall sending a check to a customer who did not ask for a withdrawal.

3. Moreover, there were no recorded phone lines in the 1990's. Hence, we did not accept verbal instructions from customers. If they wanted withdrawals, they had to specifically request them in writing and we retained copies of all such requests in our customer files. If there are no such requests in our files, that indicates that the customer did not request any withdrawals and would not have received any checks.

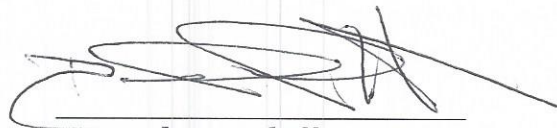
4. Post 1990, I was put under enormous financial pressure by Jeffrey Picower, who created the fraud I perpetrated and who was, by far, the primary beneficiary of the fraud. In order to raise money, I began to defraud my customers but I never sent checks to customers who did not request withdrawals in writing.

5. While the Trustee will say that my word is not credible, that would be unfair. After all, the government and the Trustee have placed great reliance on the testimony of Frank DiPascali who, after Picower and me, bore the most responsibility for the fraud we perpetrated. Indeed, the government relied upon Mr. DiPascali's testimony to convict more junior employees.

6. At this point in my life, I have no motivation to lie.

7. I declare under penalty of perjury that the aforesaid facts are true and correct.

Dated: November 17, 2015

A handwritten signature in black ink, appearing to be "Bernard L. Madoff", written over a horizontal line.

Bernard L. Madoff